

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

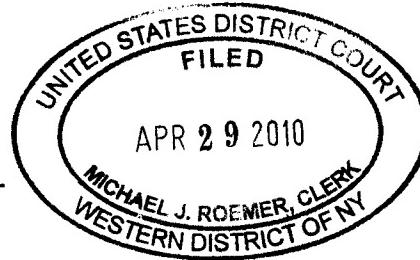
KAMAL MOHAMED, A077-899-827,

Petitioner,

-v-

MARTIN D. HERRON, Director of Buffalo  
Federal Detention Center, et al.,

Respondent.



-PS-

**DECISION AND ORDER**  
10-CV-0323Sc

Petitioner Kamal Mohamed, who is currently detained at Buffalo Federal Detention Center pursuant to, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition. Petitioner maintains that he continues to be detained despite the lack of likelihood that travel documents will be issued by Guyana.<sup>1</sup> Petitioner also seeks permission to proceed *in forma pauperis* and has applied to the Court for appointment of counsel.

IT HEREBY IS ORDERED as follows:

1. Petitioner's request to proceed as a poor person is granted.
2. Petitioner's request for appointment of counsel is denied without prejudice as premature.
3. Within **45 days** of the service of this order, respondent shall file and serve an **answer** to the application with the Clerk of Court which shall respond to the

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<sup>1</sup>The Court notes that in addition to the instant petition, Mohamed has filed another action in this court, entitled "Appeal for Stalled Naturalization Application." See *Mohamed v. U.S.C.I.S. DHS /ICE*, 10-CV-182Sc.

allegations of the petition. Alternatively, in the appropriate case, respondent may file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this order.

Respondent also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and including citations of relevant supporting authority. Respondent is directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C.

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

**4.** The Clerk of Court shall serve a copy of the petition, together with a copy of this order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Buffalo Field Office Director, Detention & Removal Office, Immigration and Customs Enforcement Department of Homeland Security, 130 Delaware Avenue, Buffalo, NY 14202;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Acting Director, Bureau of Immigration and Custom Enforcement, 425 I Street, NW Washington, DC 20536;

- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;
- United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202;
- James W. Grable, District Counsel for the Department of Homeland Security, 130 Delaware Avenue, Room 203, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENT.**

IT IS SO ORDERED.

  
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HONORABLE RICHARD J. ARCARA  
DISTRICT JUDGE  
UNITED STATES DISTRICT COURT

Dated: April 28, 2010